



BULLETIN

Summary of legislative bills

The following is a summary of the bills passed during the last legislative session which relate to the workers' compensation system. Also included is a list of other bills passed by the Legislature which pertain to the judiciary or state government. The full text of each bill is available on the Unicameral's website (<http://www.unicam.state.ne.us>).

Bills Related to Workers' Compensation

LB 489: Informal Dispute Resolution and Arbitration

Section 48-168 was amended to provide that until January 1, 2008, the court shall establish procedures for informal dispute resolution and arbitration for a dispute regarding the medical fees owed for services provided pursuant to §48-120. If the medical provider and the insurer are unable to reach an agreement on the fees to be paid: 1) they may agree to submit the dispute to an attorney staff member of the court for resolution through the informal dispute resolution process and for arbitration, if the dispute is unresolved in the informal dispute resolution process; or 2) the parties may agree to submit the dispute directly to arbitration.

A decision by the attorney staff member for the court as the result of an

Nebraska Workers' Compensation Court
P. O. Box 98908, Lincoln NE 68509-8908
800-599-5155 or 402-471-6468
<http://www.wcc.ne.gov/>



Court adopts schedule of medical and hospital fees and amendments to rules

The following amendments to the Nebraska Workers' Compensation Court's Rules of Procedure were adopted at a public hearing on June 6, 2006:

1. A revised medical fee schedule was adopted including 2006 AMA CPT codes; revised General Instructions and section Ground Rules; 2006 ASA relative values; 2006 GPCI (Geographic Practice Cost Index) adjusted for Nebraska RBRVS relative value units; and, recalculated conversion factors.
2. A revised fee schedule was adopted for hospitals and ambulatory surgical centers, with an increased discount for payment within 60 days of billing.
3. A new fee schedule was adopted for implantable medical devices with acquisition costs of \$10,000 or more.
4. Rule 26, Medical Fee Schedule, was amended to adopt the revised Schedule of Medical and Hospital Fees with an effective date of July 1, 2006.
5. Rule 29, First Report of Alleged Occupational Injury or Illness, was amended to conform to Neb.Rev.Stat. §48-144.01, to provide for an exception to the electronic filing of first reports of injury when approved by the court administrator, to identify the employer's Federal Employer Identification Number (FEIN) as a mandatory reporting element, and to eliminate obsolete language.
6. Rule 30, Subsequent Report, was amended to provide for an exception to the electronic filing of subsequent reports when approved by the court administrator, to identify the employer's Federal Employer Identification Number (FEIN) as a mandatory reporting element, and to eliminate obsolete language.
7. Rule 32, Reporting of Compensation Insurance, was amended to conform to Neb.Rev.Stat. §48-144.03 and to eliminate references to filings with an agent of the court.
8. Rule 47, Lump Sum Settlement, was amended to provide that in lump sum settlements the U.S. Life Table, 2003, rather than 1999, shall be the minimum life expectancy table used, and to adopt a revised Addendum 2, U.S. Life Table: 2003.

... Continued on Page 4

Court website updated with reformatted "What's New" page, new Medical and RFP pages, revised publications and forms

The "What's New" page of our website was reformatted in February and relaunched as a Rich Site Summary (RSS) Feed to make the latest court news and announcements available for download into a variety of media.

In addition to viewing and printing the "What's New" page directly from our website as usual, the public may now subscribe to and download its content for use in portable digital assistants (PDA), news readers, and other devices. The court uses RSS 2.0, an XML-based format for content distribution. The "What's New" page is located at http://www.wcc.ne.gov/new_rss.xml.

For visitors to our website who do not currently use such media, please note that there is still a link on our Home page (<http://www.wcc.ne.gov/>) to sign up for email notification of updates to the "What's New" page. The link directs visitors to a secure form that may be electronically submitted to request this service.

A new section of our website has been created to address medical issues and is located at <http://www.wcc.ne.gov/medical.htm>. Visitors to this page can view the 2006 Schedule of Medical and Hospital Fees and all current information regarding independent medical examiners and managed care plans.

Another new section is dedicated to the court's requests for proposal (RFP) and is located at <http://www.wcc.ne.gov/rfp.htm>. This page shows all current RFP-related documents, available in both PDF and MS Word formats.

The site's Publications/Forms page, located at <http://www.wcc.ne.gov/pubs.htm>, has been updated with new and revised publications: Rules of Procedure, revised June 2006; 2006 Schedule of Medical and Hospital Fees; Statistical

Report for Injury Years 1998–2005; Annual Report for Fiscal Year 2005; and this issue of the *Bulletin*. The following court forms have also been updated as

of June 2006: Form 1, First Report of Alleged Occupational Injury or Illness; Form 4, Subsequent Report; and the Order Form. ❖

Contacting the Court

Telephone (Information Line):

Note: Court staff utilize AT&T's Language Line Services to provide over-the-phone interpretation for callers with limited English-speaking proficiency.

- 800-599-5155 (toll-free)
- 402-471-6468

Fax:

- 402-471-8231 (State Capitol Building, Lincoln: *Use this number to fax pleadings and other papers to be filed with the Clerk of the Court*)
- 402-471-2700 (TierOne Center, Lincoln)
- 402-595-1299 (Hall of Justice, Omaha)

Address:

Filings and Regular Mail:

Nebraska Workers' Compensation Court
P.O. Box 98908
Lincoln NE 68509-8908

Hearings, Filings in Person, Filings by FedEx, UPS, etc., and Deliveries to our State Capitol offices:

Nebraska Workers' Compensation Court
State Capitol Building, 13th Floor
1445 'K' Street
Lincoln, NE 68508

Deliveries to our TierOne Center offices:

Nebraska Workers' Compensation Court
TierOne Center
1221 'N' Street, Suite 402
Lincoln, NE 68508

Electronic Mail:

To e-mail the court, visit our website (<http://www.wcc.ne.gov/>) and select either of the following links:

- "Professional Staff" (to contact a specific staff member), or
- "Contact Us" (for a response from a public information specialist) ❖

Nebraska Workers' Compensation Court

ORDER FORM

Ship To:

Name _____

Company Name _____

Address _____

City) _____ (State) _____ (Zip Code) _____

Phone (____) _____

Nebraska Workers' Compensation Court

P. O. Box 98908

Lincoln, NE 68509-8908

Telephone: 402-471-6468 or 800-599-5155

Fax: 402-471-2700

Website: <http://www.wcc.ne.gov/>**OFFICE USE ONLY**

Paid by: Check _____

Cash _____

Mailed _____

Picked Up _____

Note: Many of the items below are available on our website (<http://www.wcc.ne.gov/pubs.htm>) for downloading and printing.

Single Forms (Limit of 10 per order — Copies can be made)			
# SGL	Form Number / Item Name	# SGL	Form Number / Item Name
	Form 1—First Report of Injury / Illness (Rev. 06/2006)		Form 4—Subsequent Report (Rev. 06/2006)
	Form 12—Insurance Coverage (Rev. 06/1995)		
Single Pamphlets or Packages (Limit of 4 Packages)			
# SGL	# PKG	Item Name	
	(25)	Rights & Obligations (English 11/2005)	
	(25)	Rights & Obligations (Spanish 11/2005)	
	(50)	Choosing a Doctor for a Work-Related Injury (English 11/1999)	
	(50)	Choosing a Doctor for a Work-Related Injury (Spanish 11/1999)	
	(25)	Vocational Rehabilitation Services under Workers' Compensation (English 02/2001)	
	(25)	Vocational Rehabilitation Services under Workers' Compensation (Spanish 05/2001)	
	(50)	Informal Dispute Resolution and Mediation (English 01/2001)	
Single Forms			
Quantity	Form Number/Item Name	Quantity	Form Number/Item Name
	Form 10T—Termination of Corporate Officer Waiver (Rev. 12/1996)		Form 50—Choice of Doctor (English 01/1997)
	Form 63-1—Request for Independent Medical Examiner (09/2001)		Form 50—Choice of Doctor (Spanish 08/1997)
	Form 67-2—Notice of Agreement to use a Named Independent Medical Examiner (07/1997)		
Other Publications			
Law Book (Includes 2005 Legislative Revisions) only available from LexisNexis at 800-562-1197 or from their website (http://www.lexisnexis.com/bookstore).			
All other court publications may be downloaded, at no charge, from our website (http://www.wcc.ne.gov/pubs.htm).			

Forms may be picked up at the Nebraska Workers' Compensation Court, 13th Floor, State Capitol Building. Please call ahead to be sure your order is ready. Order forms and other information may also be downloaded from the court's website (<http://www.wcc.ne.gov/pubs.htm>). For further information, or if your order is not received within three weeks, please contact the court's information line at either 402-471-6468 or 800-599-5155.

Nebraska Workers' Compensation Court welcomes new staff

Since our last issue of the *Bulletin*, the Nebraska Workers' Compensation Court has welcomed several new staff, as well as current staff who now hold new positions within the court.

Following are the latest additions to our staff: Barb Frank, Clerk of the

Court, as of January 1; Melissa Gross, Judicial Assistant II for Judges Van Norman and Fitzgerald, as of February 15; Kim Bernhardt Hunt, Judicial Assistant I, as of March 20; Heather Smith, Law Clerk, as of May 31; Tiffany Siegrist, Assistant Clerk, as of June 1;

Julie Greenamyre, Staff Attorney, as of April 3; and Bruce Cramer, Lead Infrastructure Analyst, as of October 3, 2005. Also, Erin Fox will be joining the court as a Staff Attorney beginning August 1. Congratulations and welcome aboard to one and all! ❖

Summary of legislative bills

... Continued from Front Page

arbitration proceeding shall be final and binding and not subject to appeal. Arbitration proceedings shall be regarded as settlement negotiations and no statement made in arbitration proceedings not otherwise discoverable or obtainable shall be admissible as evidence or subject to discovery. A staff member shall not be subject to process requiring the disclosure of any matter discussed during arbitration proceedings. Any information from the files, reports, notes or communications of the staff member relating to an arbitration proceeding is privileged and confidential and may not be disclosed without the written consent of all parties to the proceeding. No staff member shall be held liable for civil damages for any statement or decision made in the process of arbitration unless such person acted in a manner exhibiting willful or wanton misconduct.

Operative date July 14, 2006.

Bills Related to State Government

LB 366: State Employees Retirement System

This bill requires enrollment and participation in the retirement system immediately upon employment for employees of the State of Nebraska. Currently, permanent full-time and part-

time public employees participate in the retirement plan only after the employee has been employed for 12 months. In addition, the bill will increase the amount a state employee contributes to his or her employee retirement account. An employee will contribute 4.8 percent of his or her monthly compensation throughout the full year. Currently, a state employee contributes 4.33 percent of his or her monthly compensation until such time as he or she has paid a total of \$864.00 during any calendar year, after which the contribution rate increases to 4.8 percent. The bill will also increase the total annual amount contributed by the State of Nebraska because the state matches employee retirement contributions in an amount equal to 156 percent of the employee contribution.

Operative date January 1, 2007.

LB 898: Open Meetings Act

This bill requires that prior to a closed session of a public meeting, the subject matter and the reason necessitating the closed session shall be identified in the motion to close. If the motion passes, the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The bill also requires agenda

items to be sufficiently descriptive to give persons reasonable notice of the matters to be considered at the meeting. Further, public bodies must post at least one current copy of the Open Meetings Act at a location accessible to members of the public in the room where the meeting is held. At the beginning of the meeting, the public shall be informed of the location of the posted information.

Effective date July 14, 2006. ❖

The current tables of maximum and minimum workers' compensation benefits, burial benefits, and mileage reimbursement rates are available on the Nebraska Workers' Compensation Court website:

<http://www.wcc.ne.gov/misc/benefits.pdf>

Electronic Data Interchange Advisory for June 9, 2006

Following is a brief summary of the Nebraska Workers' Compensation Court's June 9, 2006 EDI Advisory.

Amendments to Rule 29 and Rule 30 adopted

Amendments to the Nebraska Workers' Compensation Court's Rule 29, First Report of Alleged Occupational Injury or Illness, and Rule 30, Subsequent Report, were adopted at a public hearing on June 6, 2006. Links to view the current versions of both rules are available on our website's EDI page (<http://www.wcc.ne.gov/edi.htm>).

New mandatory data element for FROIs; new edits for unacquired SROI SAs and FNs

The Employer FEIN will become a mandatory data element for FROI filings. Also, the court has identified a problem where SROI paid-to-date codes 430 and 440 are being used interchangeably for indemnity and medical benefits that are not acquired.

Whenever possible, advance notice of at least 90 days will be given for trading partners to implement EDI data element changes. Effective **September 9, 2006**, the edits described above will be in place to make the Employer FEIN a mandatory data element for FROI filings and to reject unacquired SROI SAs and FNs with paid-to-date codes of 430 and 440.

Amendments to FROI Implementation Guide

The current FROI Implementation Guide is available on our website's EDI Page (<http://www.wcc.ne.gov/edi.htm>).

Page 13, FROI Filing Requirements.

Updated to reflect the recent amendments to Rule 29, First Report of Alleged Occupational Injury or

Illness, regarding the 10-day filing period for FROIs.

Pages 44 and 45, Event Table and Addendum to Event Table. These tables have also been updated regarding the 10-day filing period.

Page 48, Element Requirements Table. Employer FEIN is a mandatory field.

Page 53, Edit Matrix Table. Employer FEIN is a mandatory field.

Page 56, Match Data Table. The following note has been added: "A transaction may include only one changed match value at a time to allow the remaining match values to accomplish a match to a claim in the court's database."

Amendments to SROI Implementation Guide

The current SROI Implementation Guide is available on our website's EDI Page (<http://www.wcc.ne.gov/edi.htm>).

Page 5, SROI Filing Requirements.

Updated to reflect amendments to Rule 30, Subsequent Report, which were adopted at a public hearing on June 6, 2006.

Page 20, Match Data Table. The following note has been added: "A transaction may include only one changed match value at a time to allow the remaining match values to accomplish a match to a claim in the court's database."

Page 36, Frequently Asked Questions.

The following FAQ has been added:

Q: Can I make changes to a FROI match data elements (Name, DOI, SSN, etc) while reporting a Cancellation (01), Denial (04) or Acquired Unallocated (AU) transaction?

A: Changes to match data elements should be accomplished first with a 02 Change transaction. That can be

followed with another transaction to perform a Cancel, Denial or Acquired Unallocated. This follows the standard that each Maintenance Type Code (MTC) defines one and only one event for which a transaction has a specific purpose. This also applies to SROI transactions as well. An 02 Change should be sent and accepted before submitting a Semi-Annual (SA) report.

Amendments to POC Implementation Guide

The current POC Implementation Guide is available on our website's EDI Page (<http://www.wcc.ne.gov/edi.htm>).

Page 3, EDI Overview. The following text has been added to the EDI Overview: "Nebraska Workers' Compensation Court (NWCC) has implemented and requires the IAIABC Proof of Coverage (POC) R2.1 standard. The POC R2.1 Implementation Guide contains flat file record layouts and business scenarios that NWCC supports. The most current version of the guide can be found at the following link: [http://www.iaaiabc.org/edi/implementation_docs/POC%20R2-1%20\(04-01-06\)%20linked.pdf](http://www.iaaiabc.org/edi/implementation_docs/POC%20R2-1%20(04-01-06)%20linked.pdf)."

Pages 7-17, Transaction Overview. The Jurisdiction Accepted Triplicates column of this table has been repopulated with Y's for every transaction because the court accepts all triplicate codes.

To view previous EDI Advisories and other EDI-related information, visit our website's EDI page (<http://www.wcc.ne.gov/edi.htm>). This page also has a link from which visitors can subscribe to receive automatic email notice of upcoming EDI Advisories. ❖

